

# **McKOOL SMITH**

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June 2, 2021

By ECF

The Honorable Katherine Polk Failla  
United States District Judge  
Southern District of New York  
40 Centre Street, Room 2103  
New York, New York 10007

**MEMO ENDORSED**

Re: ABC v. DEF  
21 Misc. 457 (KPF)  
related to 21 Civ. 4975 and 21 Misc. 460 (PGG)

Dear Judge Failla:

This firm represents Plaintiffs in the above-referenced matters.

Consistent with Section 9.C.ii of your Honor's Individual Rules of Practices in Civil Cases, Plaintiff respectfully submit this letter-motion seeking leave to maintain this case under seal and to file a document under seal.

21 Misc. 457 (KPF) is a miscellaneous proceeding by which Plaintiffs seek to register a judgment entered by another District Court pursuant to 28 U.S.C. § 1963. The purpose of registering the judgment is so that it may be enforced in this District.

Plaintiffs seek permission to maintain this case under seal and to register the judgment under seal, pending further order of the Court.

Plaintiffs do so at the direction of the Clerk's Office, which originally entered the information associated with the parties identified and thereafter modified it to reflect the caption as ABC v. DEF.

The reason for sealing the registration of the judgment and the docket is because Plaintiffs seek to enforce the judgment by means of a civil action that has itself been filed under seal. 21 Civ. 4795 is the civil matter by which Plaintiffs seek to enforce the judgment.

Plaintiffs obtained permission of the Court, sitting in Part 1, to file 21 Civ. 4795 under seal by means of a separate miscellaneous action. *See* 21 Misc. 460 (PGG), Order, dated May 26, 2021 (ECF No. 2).

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The reasons for sealing Plaintiffs' civil case are set out in detail in Plaintiffs' Memorandum of Law in support of its application to file a civil case under seal. See 21 Misc. 460 (PGG), Memorandum of Law, dated May 25, 2021 (ECF No. 1-3).

In short and consistent with the reasons that the related civil action was permitted to be filed under seal, the judgment should be registered under seal and the docket sealed to prevent the dissipation of assets against which Plaintiffs seek to enforce the judgment and the frustration of Plaintiffs' efforts to enforce the judgment against assets held on behalf of terrorist-related entities.

Plaintiffs submit that the District Judge to whom 21 Civ. 4795 is eventually assigned can administer any unsealing of both underlying miscellaneous actions, either in whole or in part, that may be appropriate at a later date.

Consistent with Section 9.C.ii, the judgment to be registered is filed under seal contemporaneously with this letter-motion and electronically related to this letter-motion.

Plaintiffs' counsel remains ready to answer questions to assist the Court in ruling on this application.

Respectfully submitted,

/s/

Daniel W. Levy

Plaintiffs' motion to maintain 21 Misc. 457 under seal and to register the judgment under seal, pending further order of the Court, is GRANTED

Pending further order of the Court, the Viewing Level for access to the docket for 21 Misc. 457, case information, and all documents shall be set to Ex Parte such that access is restricted to Plaintiffs and court personnel

SO ORDERED:



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The Honorable Katherine Polk Failla  
United States District Judge

June 3, 2021  
New York, New York